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6 Counsel for Defendant ARIAS-ORDONEZ
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR 07-00738 MMC
)	
12 Plaintiff,)	
)	DECLARATION OF ELIZABETH M. FALK
13 v.)	AUTHENTICATING DOCUMENTS
)	RECEIVED IN DISCOVERY FROM THE
14 NOE ARIAS-ORDONEZ,)	UNITED STATES OF AMERICA IN
)	SUPPORT OF MOTION TO DISMISS
15 Defendant.)	
)	

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17 I, Elizabeth M. Falk, DECLARE;

- 18 1. I am an Assistant Federal Public Defender and am counsel of record for Mr. Arias-
19 Ordonez in the aforementioned action;
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21 2. I submit this declaration to authenticate documents that I received from the United States
22 of America as discovery in the above captioned case. It is my understanding that the
23 Assistant United States Attorney assigned to this matter obtained the below referenced
24 documents, attached hereto as Exhibits A-I, from the Immigration and Customs
25 Enforcement Service (“ICE”) and that these documents are contained within Mr. Arias-
26

- 1 Ordonez' alienage and nationality file.
- 2 3. Attached hereto as Exhibit A is a true and correct copy of the Criminal Alien Processing
- 3 Checklist for Mr. Arias-Ordonez;
- 4 4. Attached hereto as Exhibit B is a true and correct copy of the Immigration Detainer-
- 5 Notice of Action;
- 6 5. Attached hereto as Exhibit C is a true and correct copy of a Warrant for Arrest of Alien;
- 7 6. Attached hereto as Exhibit D is a true and correct copy of a Immigration Bond document
- 8 dated March 5, 2003;
- 9 7. Attached hereto as Exhibit E is a true and correct copy of an October 2, 2003 letter from
- 10 the Department of Homeland Security addressed to Noe Arias-Ordonez;
- 11 8. Attached hereto as Exhibit F is a true and correct copy of a Notice to Appear dated March
- 12 3, 2003;
- 13 9. Attached hereto as Exhibit G is a true and correct copy of the Order of Removal dated
- 14 June 6, 2003;
- 15 10. Attached hereto at Exhibit H is a true and correct copy of a Warrant of Removal dated
- 16 November 6, 2003;
- 17 11. I have also attached hereto the factual declarations in support of Defendant's Motion from
- 18 fact witnesses and expert witnesses as well as documents provided by Defendant's
- 19 family. These documents were not received from the government in discovery, but were
- 20 separately obtained by me. As such, the Court should know that Exhibits I-O were not
- 21 provided to me by the government. I only attach these documents to this authentication
- 22 declaration for the Court's convenience, so all the supporting documentation is submitted
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- 1 together in a single document;
- 2 12. As such, attached hereto as Exhibit I is a true and correct copy of the Declaration of Noe
- 3 Arias-Ordonez, executed March 3, 2008;
- 4 13. Attached hereto as Exhibit J is a true and correct copy of the Immunization Records of
- 5 Defendant;
- 6 14. Attached hereto as Exhibit K is a true and correct copy of the Declaration of Paternity
- 7 regarding Defendant's daughter;
- 8 15. Attached hereto as Exhibit L is a true and correct copy of a letter of reference from an
- 9 employer, award certificate and a Certificate of Achievement for outstanding leadership;
- 10 16. Attached hereto as Exhibit M is a true and correct copy of a Certificate of Achievement
- 11 for Mathematics Skills given Defendant by the Sonoma County of Education;
- 12 17. Attached hereto as Exhibit N is a true and correct copy of the Declaration of Sofia
- 13 Ordonez Sanchez executed February 26, 2008; and
- 14 18. Attached hereto as Exhibit O is a true and correct copy of the Declaration of Angela
- 15 Bean, Esq., an immigration lawyer acting as an expert witness for Defendant.
- 16
- 17

18 I declare under penalty of perjury that the foregoing is true and correct.

19 Sworn this 5th day of March, 2008, at San Francisco, California.

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21 /S/

22 ELIZABETH M. FALK

23 Assistant Federal Public Defender

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